IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 3524 of 2005**

Between:

Vangapandu Swaminaidu, S/o Late Pedappala Swamy, Male,Hindu
R/o Palteru Village, Badangi Mandalam, Vizianagaram District.

**..... PETITIONER**

AND

1 The Commissioner of Sugar & Cane Commissioner, Andhra Pradesh, Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 The NCS Sugar Factory Ltd, rep. by its General Manager, Lanchchalahpeta , Bobbili, Vizianagaram District.
4 The District Collector, Vizianagaram, Vizianagaram District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of mandamus , to direct the Respondents 3 and 4 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the petitioner land, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.REDDY VENKATA RAMANA**

**Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE**

**The Court made the following :**

**THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO.3524 OF 2005**

**ORDER:**

The petitioner is an agriculturist, growing sugarcane in his land situated in the district of Vizianagaram. In the recent past, various sugar factories in the district of Vizianagaram were purchased by M/s NCS Sugars Limited and other private firms. There is some controversy as to the existence of agreements between the farmers and the sugar factory, in the matter of purchase of sugarcane.

Petitioner states that there do not exist any agreement for purchase or supply of sugarcane to the sugar factory, and he has undertaken crushing of sugarcane produced by him, with a view to manufacture jaggery. It is alleged that the respondents are preventing him from undertaking such activities, without initiating any proceedings and without issuing any notices.

Heard learned counsel for the petitioner, learned Government Pleader for Industries and Commerce, and Sri S.J.Rao, learned standing counsel for NCS Sugars Limited.

The cultivation of sugarcane in a factory zone, and the rights and obligations of the farmers, *vis-à-vis,* the concerned sugar factory, are governed by the provisions of the Sugarcane Control Order. It provides for the existence of agreements, the liability of

the factory to purchase, and issuance of instructions and directions by the cane growers from time to time. If there exists any agreements between the sugar factory and the farmers, the same needs to be given effect to. Even in the absence of agreements, the cane Commissioner is empowered to give instructions and directions from time to time regulating the supply of sugar. So far as the activity of manufacture of jaggery is concerned, it is controlled by the A.P. Jaggery Manufacturing Licensing Order. Clause 6 (a) thereof provides for seizure of the crusher or other equipment, in case, the activities are undertaken without licence. However, Clause 6 (b) thereof mandates that before taking any such action, the authority concerned shall issue a notice and conduct enquiry.

In the case on hand, the respondents have not initiated proceedings against the petitioners, either under the Sugarcane Control Order or under the Jaggery Manufacturing Licensing Order. There cannot be any justification for the respondents in interfering with the activities of the petitioner, without initiating proceedings.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall not interfere with any activity of the petitioner, except by issuing notices as contemplated under the Sugarcane Control Order or the Jaggery Manufacturing Licensing Order. If the respondents have seized any machinery or agricultural produce, the same shall be returned forthwith. In case, the respondents feel that the petitioner needs to be proceeded against, they should do so, only in accordance with the relevant provisions of law. There shall be no order as to costs.

Mdaa. 25.2.2005.

..... REGISTRAR

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SECTION OFFICER

To

1 The Commissioner of Sugar & Cane Commissioner, Andhra Pradesh, Hyderabad.
2 The Assistant Cane Commissioner & Licensing Inspector, Bobbili, Vizianagaram District.
3 The NCS Sugar Factory Ltd, rep. by its General Manager, Lanchchalahpeta , Bobbili, Vizianagaram District.
4 The District Collector, Vizianagaram, Vizianagaram District.

**5.** Two C.Cs to G.P.for Industries and Commerce, High Court of A.P., Hyderabad (OUT).

6) 2 CD copies

7) 1 CC to MR.REDDY VENKATA RAMANA

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